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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 TYRRALL FARROW CANNON,  
12 CDCR #T-91710;

13 Plaintiff,

14 vs.

15 KNIGHTS OF THE KU KLUX KLAN, et  
16 al.,

17 Defendants.  
18

Civil No. 08cv0834 L (JMA)

**ORDER DISMISSING CIVIL  
ACTION FOR FAILING TO PAY  
FILING FEE OR MOVE TO  
PROCEED *IN FORMA PAUPERIS*  
PURSUANT TO 28 U.S.C. § 1915(a)**

19 Plaintiff, a state inmate currently incarcerated at Ironwood State Prison located in Blythe,  
20 California and proceeding pro se, has filed what appears to be a civil rights Complaint.

21 **I. Failure to Pay Filing Fee or Request IFP Status**

22 All parties instituting any civil action, suit or proceeding in a district court of the United  
23 States, other than a writ of habeas corpus, must pay a filing fee of \$350. *See* 28 U.S.C.  
24 § 1914(a). An action may proceed despite a party's failure to pay only if the party is granted  
25 leave to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v.*  
26 *Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

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1 Here, Plaintiff has neither prepaid the \$350 filing fee required to commence this action,  
2 nor has he submitted a Motion to Proceed IFP. Therefore, this action is subject to immediate  
3 dismissal pursuant to 28 U.S.C. § 1914(a).

4 **II. Conclusion and Order**

5 For the reasons set forth above, the Court hereby:


6 (1) **DISMISSES** this action sua sponte without prejudice for failing to pay the \$350  
7 filing fee or file a Motion to Proceed IFP pursuant to 28 U.S.C. §§ 1914(a) and 1915(a); and

8 (2) **GRANTS** Plaintiff **forty five (45)** days leave from the date this Order is “Filed”  
9 to: (a) prepay the entire \$350 civil filing fee in full; *or* (b) complete and file a Motion to proceed  
10 IFP which includes a certified copy of his trust account statement for the 6-month period  
11 preceding the filing of his Complaint pursuant to 28 U.S.C. § 1915(a)(2) and S.D. CAL. CivLR  
12 3.2(b).

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall provide Plaintiff with the  
14 Court’s approved form “Motion and Declaration in Support of Motion to Proceed *In Forma*  
15 *Pauperis*.” If Plaintiff fails to either prepay the \$350 civil filing fee or complete and submit the  
16 attached Motion to Proceed IFP within that time, this action shall remain dismissed without  
17 prejudice and without further Order of the Court.

18 **IT IS SO ORDERED.**

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20 DATED: June 5, 2008

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22 M. James Lorenz  
23 United States District Court Judge  
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